IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 21687 1997

Between:

1. Pollution Sufferers Welfare Association,

rep. by its President Sri Appa Rao Reddy,

68-1-90, Mulagada, Visakhapatnam.

2. Y. Sanyasi Rao,

General Secretary,

Pollution Sufferers Welfare Association, Yaduruvanipalem,

Visakhapatnam.

... PETITIONERS

AND

1. State of Andhra Pradesh,

rep. by its Chief Secretary to Government, Secretariat, Hyderabad.

2. A.P. Pollution Control Board, rep. by its Member Secretary,

Hyderabad.

3. District Magistrate & Collector,

Visakhapatnam.

4. Hindustan Zinc Limited, rep. by its General Manager,

Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction more particularly a Writ in the nature of Writ of Mandamus directing the respondents 1 and 2 to take all necessary steps for preventing and combating pollution of air, water and soil and also take necessary steps for closing down the industries which are causing pollution and award costs and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of justice.

For the Petitioners: Mr. C. Sudesh Anand, Advocate.

For Respondent No.1: Advocate General.

For Respondent No.2: Mr. E. Kalyan Ram.

For Respondent No.3: Advocate General.

For Respondent No.4: Mr. P. Sri Raghuram.

The Court Made the Following Order:

WRIT PETITION NO.21687 OF 1997

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ORDER: (Per Hon'ble The Chief Justice)

This Writ Petition is presented by a Society known as Pollution Sufferers Welfare Association, Mulagada, Visakhapatnam, alleging that the society was established *inter alia* for protecting and preserving the environment from the effects of industrial pollution in Visakhapatnam and its surrounding villages forming part of Visakhapatnam agglomeration and to espouse the cause of the people of Vizag and its surroundings who suffered physically, mentally and economically due to unabated air, water and soil

pollution.

Petitioners allege that there are 27 large-scale and medium industries in the vicinity of Visakhapatnam and there has already been lot of pollution. They further allege that fourth respondent was permitted to establish an industry and that when the matter was taken up by the petitioner committee; it deputed the Sub-Committee, which submitted a report on the effects of the pollution caused by the fourth respondent. A meeting was also convened among the second respondent, fourth respondent and representatives of the House Committee in which Hindustan Zinc Ltd. agreed for a package deal evolved by the Revenue Department for deposit of Rs.4.00 crores. When the said package deal was arrived at, neither the petitioners nor the representatives of the four affected villages were present and presumably the said amount of Rs.4.00 crores was only for the purpose of meeting the cost of providing house sites and shifting charges to the 975 families who have been residing in the above 4 villages for more than 100 years, but it was not an amount towards compensation for the loss suffered. Thus petitioners prayed for various directions for appointment of a committee to carry out intensive search work and submit a report to the Court to direct respondents 2 and 4 to deposit an amount so as to start beneficial works and to assess and fix the damages for the loss of agricultural land etc.

The petition remained pending in this Court till date and there has been substantial change by passage of time. Learned counsel for the fourth respondent states that the lead unit was closed down and the villagers from 3 villages declined to shift. Only a portion of the 4th village was shifted and for that reason, the amount to be deposited by the fourth respondent was agreed to be reduced to about 2.2 crores, but the Government is not prepared to hand over the entire land to the fourth respondent. It is prepared to hand over a lesser land and there is some correspondence and negotiation going on between the Government and the 4th respondent. As per the reply affidavit of the respondents, there is

no pollution and Andhra Pradesh Pollution Control Board is taking care of the complaint of the petitioners as regards pollution and every measure has been taken to prevent pollution.

Since nobody represented the petitioners, it appears that petitioners are no more interested in prosecuting the petition and for that reason, we decline to look into the controversy between the Government and the fourth respondent as regards deposit of money or what should be the package or what should be the terms of this package. It will be for them to decide the same amongst themselves.

We accordingly close the Writ Petition and the Interim Order shall stand vacated and the bank guarantee shall stand discharged.

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DEVINDER GUPTA, CJ

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G. ROHINI, J

June 30, 2004

MRR/NMR

Copy to:

1. Chief Secretary to Government, State of Andhra Pradesh, Secretariat

Hyderabad.

2. Member Secretary, A.P. Pollution Control Board,

Hyderabad.

3. District Magistrate & Collector,

Visakhapatnam.

4. The General Manager Hindustan Zinc Limited, Visakhapatnam.

5. Advocate General, High Court Buildings, Hyderabad.

6. Two C.D. Copies.

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